

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FILED-CLERK  
U.S. DISTRICT COURT  
2012 JAN 23 PM 3:16  
TEXAS-EASTERN

David E Mack )  
Plaintiff, )  
vs )  
EQUABLE ASCENT FINANCIAL, LLC )  
Defendant. )

Case No. 4:11-CV-793

**NOTICE TO THE COURT OF NO/IMPROPER SERVICE BY DEFENDANT**

TO THE HONORABLE JUDGE OF THIS COURT:

COMES NOW the Plaintiff, David E. Mack, with this Notice of No/Improper Service by the Defendant and wishes to make the court aware that proper service of documents filed with the court is not being performed by the Defendant.

1. On December 29, 2011 Counsel for the Defendant filed a Notice of Appearance with the court and failed to mail a true and correct copy to the Plaintiff of said filing. On the Certificate of Service that was annexed to the filing it stated: "I hereby certify that on the 29<sup>th</sup> day of December, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send a notification of such filing to the following: David E. Mack, 7720 McCallum Blvd. #2099, Dallas, TX 75252."
2. The Plaintiff is not represented by Counsel in this cause of action and therefore has no access to the CM/ECF system to receive electronic service of any filings and should be served by another means such as USPS mail.

WHEREFORE, the Plaintiff requests that the court notify Counsel for the Defendant of this error so Plaintiff is timely served with all future filings by the Defendant according to Fed. R. Civ. P.

Respectfully Submitted,



David E Mack  
7720 McCallum Blvd. #2099  
Dallas, Texas 75252  
972-735-9642

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the document above was sent to the parties listed below by first class mail USPS.

Keith Wier  
BUSH & RAMIREZ, LLC  
5615 Kirby Drive Suite 900  
Houston, Texas 77005

Dated January 23, 2012



David E Mack